

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PERRY,

Plaintiff,

v.

US POST OFFICES, et al.

Defendants.

:
: Hon. Faith S. Hochberg
:
: Civil No. 05-5528 (FSH)
:
: **OPINION & ORDER**
:
: Date: January 6, 2006
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HOCHBERG, District Judge:

This matter having been raised by Plaintiff seeking an application to proceed without prepayment of fees under 28 U.S.C. §1915; and this Court having granted Plaintiff's application to proceed *in forma pauperis* pursuant to an Order dated December 13, 2005; and this Court having *sua sponte* screened the Complaint pursuant to 28 U.S.C. §1915(e)(2)(B) to determine if it is frivolous or fails to state a claim; and this Court having ordered that Plaintiff may amend his Complaint to state a valid cause of action by December 27, 2005, or the Complaint will be dismissed pursuant to 28 U.S.C. §1915(e)(2)(B); and

it appearing that Plaintiff's Amended Complaint sets forth essentially the same allegations as his prior complaint; and

it appearing that Plaintiff's Amended Complaint is frivolous in that, giving Plaintiff all reasonable inferences, the Amended Complaint raises no federal grounds upon which relief may be granted;

IT IS on this 6th day of January 2006,

ORDERED that Plaintiff's Complaint is **DISMISSED** without prejudice as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B); and it is further

ORDERED that this case is **CLOSED**.

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J.